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UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
GREAT FALLS DIVISION

UPPER MISSOURI WATERKEEPER,)	No. 4:16-cv-00052-BMM
)	
Plaintiff,)	JOINT PROPOSED CASE
)	MANAGEMENT PLAN
)	
v.)	
)	
UNITED STATES ENVIRONMENTAL)	

PROTECTION AGENCY and GINA)
McCARTHY, Administrator, United States)
Environmental Protection Agency,)
)
Defendants,)
)
and)
)
STATE OF MONTANA DEPARTMENT)
OF ENVIRONMENTAL QUALITY,)
TREASURE STATE RESOURCE)
ASSOCIATION OF MONTANA, and)
MONTANA LEAGUE OF CITIES AND)
TOWNS, NATIONAL ASSOCIATION OF)
CLEAN WATER AGENCIES,)
)
Intervenor-Defendants.)

Pursuant to the Court's Order on September 15, 2016, counsel for the parties, have conferred on matters listed in Fed. R. Civ. P 26(f) and propose deadlines for matters in this case.

Counsel for the parties agree that settlement of this case is not possible at this time. The Parties, however, will continue to explore opportunities for settlement while the matter is pending.

The parties agree that this case will be resolved based on review of the administrative record and through motions for summary judgment. As such, the parties do not anticipate the need for discovery or experts, and therefore, request, pursuant to Local Rule 16.2(a)(1), that this matter be considered exempt from the

requirement to file a Preliminary Pretrial Statement, a Discovery Plan, and a Statement of Stipulated Facts.

The parties have also agreed on the following proposed deadlines:

1. Motion to Dismiss – Neither Federal Defendants nor Defendant-Intervenors anticipate filing a motion to dismiss (other than as part of the cross-motions for summary judgment referenced below). Therefore, the parties agree that a deadline for filing a motion to dismiss is not necessary.

2. Certification of the Administrative Record – On or before November____, 2016, Federal Defendants will lodge the administrative record for the Environmental Protection Agency in electronic, indexed, and searchable format. Federal Defendants will simultaneously serve a copy of the administrative record on counsel for Plaintiffs and Defendant-Intervenors, and also lodge with the Court a single, hard copy of the relevant documents.

3. Motion to Supplement and/or Complete the Administrative Record – After Federal Defendants lodge the administrative record, the parties will endeavor to resolve any disputes concerning the contents of the record or the evidence properly at issue in these proceedings. If these efforts are unsuccessful, any motion objecting to the contents of the records or seeking to complete, supplement, or augment the records with any documents, declarations, or other evidence will be filed on or before December _____, 2016. The parties agree that a revised

summary judgment briefing schedule will be necessary in the event there is motions practice over the completeness of the administrative record.

4. The Parties propose the following schedule:

DRAFT

Intervenors' Positions on Briefing per 10/4/2016 Order	October 21, 2016	Brief Rendition
Motion to Amend Pleadings	Nov. 30, 2016	
Certification of Administrative Record	Nov. __, 2016	
Plaintiffs' Motion for Summary Judgment	December __, 2016	10,000 words
Defendants' Opposition and Cross-Motion for Summary Judgement	January __, 2017	12,000 words
Intervenors' Opposition & Cross-Motions for Summary Judgement	February __ 2017	L.R. 7.1(d)(2)
Plaintiff's Response	March __, 2017	12,000 words
Defendants' Replies	April __, 2017	5,000 words
Intervenors' Replies	April __, 2017	L.R. 7.1(d)(2)

6. Additional Deadlines Agreed to by the Parties – The parties do not propose any additional deadlines not set forth above.

Respectfully submitted this ____ day of October, 2016.

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